



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Thirty First day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1480 of 2018

G. AJITHKUMAR

... PETITIONER/ ACCUSED RANK NO.7

Vs

STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE
KODALPUDUR POLICE STATION,
MADURAI DISTRICT,
IN CR.NO. 906/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.BANUMATHY Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 341, 323, 324 and 506(ii) I.P.C., in Crime No.906 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to the previous motive, on 15.09.2017 the petitioner herein and other accused assaulted the defacto complainant and threatened him with dire consequences. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution. He is no way connected in the above said offence. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that injured has been discharged from the hospital. According to him, investigation is still pending.



5. Upon considering the arguments advanced by either side, it is alleged that due to the previous motive, the petitioner along with other accused have assaulted the defacto complainant. According to prosecution, the person, who sustained injury has been discharged from the hospital after completing the investigation. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. Therefore, for the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.4, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks, thereafter, as and when required for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
31/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1 THE JUDICIAL MAGISTRATE NO.4, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
KODALPUDUR POLICE STATION, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.BANUMATHY Advocate SR.No.1698

GJM/RR/SAR-3-7.2.18-3P-6C

ORDER

IN

CRL OP (MD) No.1480 of 2018

Date :31/01/2018